

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Criminal No. 08-10 (PJS/FLN)

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United States of America,  
Plaintiff,

v.

DEFENDANT'S MOTION IN LIMINE

Francis Leroy McLain,  
Defendant.

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The Defendant by and through his attorney hereby moves the Court for an order precluding the United States from presenting evidence of a change in Minnesota State law regarding classifying as supplemental nursing workers employees as alleged in paragraphs thirteen, fourteen, fifteen, and sixteen of the indictment in the presence of the jury.

The Defendant by and through his attorney further moves the Court for an order precluding the United States from calling supplemental nursing workers by the word "employees" during the presentation of evidence because the use of such a term is conclusionary and argumentative". It is for the jury to decide if the supplemental nursing workers are employees for Internal Revenue tax purposes.

It is the position of the Defendant that such evidence has no probative value and that it is irrelevant and that such evidence is outweighed by its prejudicial effect pursuant to Federal Rule of Evidence 302, 402, 406, 407 and 611.

This motion is based on the indictment, the records and files in the above-entitled action, and any and all other matters which may be presented prior to or at the time of the hearing of said motion.

Dated: October 23, 2008

Respectfully submitted,

s/ Rick E. Mattox

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